IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

W.P.(C).No. 31139 of 2007(F)

PETITIONER:

M.P.RADHAMANI, NADAKKAL HOUSE,
CHERITHAZHAM, MANDOOR.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:
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1. **THE REGIONAL TRANSPORT AUTHORITY,**
   KANNUR, REPRESENTED BY ITS SECRETARY.

2. **THE SECRETARY,**
   REGIONAL TRANSPORT AUTHORITY,
   KANNUR.

BY GOVT. PLEADER SRI.M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.31139/2007

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER NO.G/24294/06C DATED 26.10.2006 ISSUED BY THE R.T.A., KANNUR.

EXT.P2: TRUE COPY OF THE JUDGMENT DATED 06.03.2007 IN M.V.A.A.NO.11/2007 PASSED BY THE S.T.A.T.

EXT.P3: TRUE COPY OF THE ORDER NO.G/24294/06C, DATED 26.09.2007 ISSUED BY THE R.T.A., KANNUR.

// T R U E C O P T //

Sd/- PS to Judge.

ANTONY DOMINIC, J.

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W.P.(C) No. 31139 OF 2007 F
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Dated this the 29th October, 2007

J U D G M E N T

When his application for regular permit applied for was rejected as per Ext. P1, petitioner challenged the same in appeal before the Tribunal. As per Ext. P2 the Tribunal allowed the appeal and directed the RTA to grant permit subject to settlement of timing. A reading of Ext. P2 shows that the overlapping was found to be not objectionable and that the overlapping of 2.5 k.m. On Kannur-Kasaragod scheme does not exceed 10% of the length of the route applied for. On this basis that was also found to be not objectionable. When the matter stood remitted to the RTA it rejected the application filed by the writ petitioner stating that the permit overlaps the notified area.

2. In my view, the RTA was only called upon to implement Ext. P2 order of the STAT and it was not

expected to sit in judgment over the same. Therefore, quashing Ext. P3, I direct that the RTA shall implement Ext.P2 judgment of the STAT as expeditiously as possible, at any rate within four weeks of receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-